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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/592,393	06/13/2000	William Keith Chandler	CNA-018-DIV 7087	
75	590 05/20/2003			
Ciena Corporation Legal Department 1201 Winterson Road			EXAMINER	
			CHERRY, EUNCHA P	
Linthicum, MD 21090			ART UNIT	PAPER NUMBER
			2872	
			DATE MAILED: 05/20/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Applicant(s)   Applicant(s)   Applicant(s)   C/AnDLER ET AL.	•							
Examiner EUNCHA P. CHERRY 2872  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edenterors of time may be related under the provisors of 37 CFR 1.78(tg). In or event, however, may a reply be timely filled  If the period tray specified above, the maximum statutory priorid will apply and will expert SIX (ti) MONTHS from the maining date of this communication. If the period tray ray specified above, the maximum statutory priorid will apply and will expert SIX (ti) MONTHS from the maining date of this communication. If the period tray specified above, the maximum statutory priorid will apply and will expert SIX (ti) MONTHS from the maining date of this communication. If the period tray specified above, the maximum statutory priorid will apply and will expert SIX (ti) MONTHS from the maining date of this communication. If the period priorid by the SIX the time there months after the mailing date of this communication, even if timely filled, may reduce any counted place from specification is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 2-8.8.9.11 and 13-15 is/are pending in the application. 4a) Of the above claim(s) 2-8.8 and 9 is/are withdrawn from consideration.  5b) Claim(s) is/are objected to to the drawing of the priorid proposed drawing or requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The cash or declaration is objected to by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The cash or declaration is objected to b		Application No.	Applicant(s) $\mathcal{A}\mathcal{C}$					
EUNCHA P. CHERRY   2872	Office Action Summany	,	<u> </u>					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Educations or terrilary be available under the provision of 30° CER 1.13(d), in no event, however, may a riply be timely filed  Educations or terrilary be available under the provision of 30° CER 1.13(d), in no event, however, may a riply be timely filed  Education or terrilary be provided above is less than thirty (30° days, a reely within the adultiony minimum or thirty (30° days and the correct of reply specified above, the maximum statistupy period will papel available, 100° However, may a riply be timely filed  If the period for reply specified above is less than thirty (30° days, a reely within the adultiony filed under the mailing date of this communication, even the mailing date of this communication.  1) ☐ This action is FINAL.  2) ☐ This action is FINAL.  2) ☐ This action is final this action is non-final.  3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is considered.  4) ☐ Claim(s) £1.13.15 is final f	Office Action Summary							
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extractions of time may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filed  Extractions of the may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filed  If the period for reply is available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filed  If the period for reply is appointed abover, the maximum statutory period will apply and we segre SIX (6) MONTH'S from the maining date of this communication. It is the period for reply is appointed abover, the maximum statutory select will apply and we segre SIX (6) MONTH'S from the maining date of this communication. It is apply and we segre SIX (6) MONTH'S from the maining date of this communication, even if timely filed, may reduce any canned patient term adjustment. See 37 CFR 1.764(b).  Status  1)	The MAIL INC DATE of this communication and							
THE MAILING DATE OF THIS COMMUNICATION.  Extinguisors of me may be available under the provision of 3 CFR 1 15(6). In no event, however, may a righty be timely filed after 5X (8) MONTHS from he mailing date of this communication.  If NO pend for ring's isspecified below, the makeman of 3 CFR 1 15(6).  If NO pend for ring's isspecified below, the makeman studency proteins that pays and wite supries (8) MONTHS from the mailing date of this communication.  Fallare to reply within the star or extended panels for reply will. By attautory invited that pays and wite supries (8) MONTHS from the mailing date of this communication.  Fallare to reply within the star or extended panels for reply will. By attautory and the communication, even if timely filed, may reduce any security and provided by the Communication of the communication, even if timely filed, may reduce any security of the communication of the communication, even if timely filed, may reduce any security of the communication of the communication of the communication.  Status  **Status**  1) Separation of the communication of the communication of the communication of the communication of the communication.  2a) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 2-6.8,11 and 13-15 is/are pending in the application.  4a) Of the above claim(s) 2-6.8 and 9 is/are withdrawn from consideration.  5) Claim(s) 11,13-15 is/are rejected.  7) Claim(s) 11,13-15 is/are rejected.  8) Claim(s) 11,13-15 is/are rejected.  8) Claim(s) 11,13-15 is/are rejected.  9) The proposed drawing some communication and/or election requirement.  Application Papers  9) The drawing(s) filed on 15 is/are and 15 is/are: a) accepted or b) bipected to by the Examiner.  10) The drawing(s) filed on 15 is/are: a) accepted or b) bipected to by the Examiner.  11 faproved, corrected drawings are required in reply to th		sears on the cover sneet with the c	orrespondence address					
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11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413) Paper No(s)								
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### DETAILED ACTION

1. It is noted that the dependency of claim 14 is changed and accordingly it is examined.

## Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Teichman et al.

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Teichman et al discloses an apparatus for inspecting an optical device on an optical module (Figs. 1a-1f), comprising:

an optical platform (19);

an inspection station disposed along a top surface of the optical platform (14) having an optical device interface located a fixed distance above the top surface of the optical platform (22, 23);

an optical module carrier (13) for holding the optical module (12a) and conveying the optical module along the top surface of the optical platform to the inspection station (column 3, lines 36-65), the optical module carrier positioning the optical device at a distance above the optical platform corresponding to the fixed distance the optical device interface is located above the top surface (column 3, lines 41-47), wherein the optical module carrier further comprises:

a tray (13) having a top surface for supporting the optical module (see Fig. 1b);

vertical pillars (see Fig. 1a, two bumps that holds 12a) for securing the optical module on the top surface of the carrier; and

a plurality of rollers for conveying the tray (two elements guided along 16), the rollers each mounted in a bottom surface

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of the tray, each of the rollers extending a fixed distance below the bottom surface of the tray (see Fig. 1a).

# Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teichman et al in view of Davis et al.

Teichman et al discloses the claimed invention as set forth above except that the platform is coated with silicone based coating. Davis et al discloses the platform that is coated with the silicon based coating (column 6, lines 36-41). It would have been obvious to one of ordinary skill in the art to coat the platform with silicone based coating for the purpose of increasing friction between the element and the platform so that the element can be stay on the platform without slipping off.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teichman et al in view of Nowicki.

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Teichman et al discloses the claimed invention as set forth above except the rollers have springs. Nowicki discloses spring for a roller (column 2, lines 9-15). It would have been obvious to one of ordinary skill in the art to add a spring for a roller for the purpose of limiting a movement of a roller along the guide rail.

### Response to Arguments

7. Applicant's arguments filed 2/28/2003 have been fully considered but they are not persuasive.

Applicant argues that Teichman et al does not discloses the present invention including an optical module carrier for holding an optical module having an optical device, because the prior art's PBC lacks any optical component. Examiner disagrees. It is clear that the PCB is an optical module having an optical device as pointed out by the abstract of the prior art (see last two lines of the abstract). Applicant also fails to distinguish of his optical module and optical device any structurally different than the prior art.

The breaths of the arguments for claims 11 and 15 are same as claim 13, therefore, the responses are as set forth above.

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#### Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUNCHA P. CHERRY whose telephone number is 703-305-0997. The examiner can normally be reached on M-F 6:30-4:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CASSANDRA SPYROU can be reached on 703-308-1687. The fax phone numbers for the organization where this application or proceeding is assigned

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are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Euncha Cherry May 19, 2003